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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/775,425	02/01/01	WEIDMAYER	E LII153B US

021133 PM82/0409
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EXAMINER

STORMER, R

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 04/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

775425

Applicant(s)

C/A CHASE ET AL

Examiner

STORMER

Group Art Unit

3017

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-28 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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Oath/Declaration

1. It should be noted that the inventor Lee A. Chase has not signed a Declaration or the Power of Attorney. ✓

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "margin" of claim 1; adhesive being in the form of a mechanical interlocking means as set forth in claims 7 and 21; and the composite wheel of claims 12 and 26 must be shown or the feature canceled from the claims. No new *STILL* matter should be entered.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because a reference character should be provided for the unusual protrusion extending from the flange lip 38X into a recess (also unlabelled) formed in the overlay. Correction is required. ✓
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate different embodiments of the wheel rim, and the reference character 38a has been used to designate different rim flanges. Each of the different wheel rims and rim flanges should be designated with a different character such as 38a, 38a', 38a", etc. ✓

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Further, since each embodiment of the overlay is different than the next, reference characters such as 50, 58, and 58a should be designated to differentiate between the different embodiments.

Correction is required.

STILL
(IGNORED)

Specification

5. The specification is objected to under 37 CFR 1.75(d)(1) as failing to provide proper antecedent basis for the claimed subject matter. There is no description of the mechanical *STILL* interlocking adhesive means as set forth in claims 7 and 21. There is no description of the composite wheel of claims 12 and 26. There is no description of the "heat-resistant" paint as set forth in claims 9 and 23.

See and MPEP § 608.01(o). **No new matter should be entered.**

6. The specification is objected to because of the following informalities: On at least pages 11, 16, 23, and 24 the term "net" is used in what appears to be the wrong context. In some of the instances it appears that the word --next-- was the intended word; but in other instances, such as on pages 23 and 24 it appears that something more was intended.

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

7. Claims 6, 7, 14, 20, 21, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 6 and 20 it is unclear how an adhesive can be a tape. The term "adhesive" should be changed to --adhesive means-- to correct this indefinite language. ✓

In claims 7 and 21, it is not clear how the adhesive "is a mechanical interlocking means." Adhesives are generally considered to be chemical locking means. *STILL*

Claims 14 and 28 are indefinite because the term "is shaped" to accommodate a balance weight does not define any structure which could receive the balance weight and it is impossible to know what the limitations of the claim are. *STILL*

8. Claims 14 and 28 are too indefinite to examine on the merits.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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10. Claims 1, 7, 10, 11, 12, 15, and 21, 25, and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Todd.

With respect to claims 7 and 21, the adhesive overlay is considered to provide a mechanical interlock of the wheel and the overlay inasmuch as the claimed interlock is mechanical.

11. Claims 1, 4, 5, 8, 10, 11, 12, 15, 18, 19, 22, 24, 25, and 26 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Eikhoff.

See figure 5.

12. Claims 1, 10, 11, 12, 15, 24, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Buerger.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

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made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 2, 3, 8, 9, 16, 17, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Todd.

Todd meets all of the limitations of claims 1 and 15 as set forth in paragraph 10 above. The tolerances and the margins between the lip of the overlay and the flange lip would have been obvious as design or mechanical expedient since those of ordinary skill in the art could readily determine suitable tolerances.

For the overlay to comprise a heat-resistance paint finish, a metal-plated finish, or no finish all would have been obvious as such are well-known in the art and one of ordinary skill could decide which finish is desired.

15. Claims 2, 3, 6, 8, 9, 10, 13, 16, 17, 20, 23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eikhoff.

Eikhoff meets all of the limitations of claims 1 and 15 as set forth in paragraph 11 above.

The tolerances between the lip of the overlay and the flange lip are design expedients obvious to those of ordinary skill in the art.

To substitute double-sided adhesive tape for the adhesive 70 of Eikhoff would have been obvious as a functional equivalent.

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To use a metal-plated finish, a heat resistant paint finish, or no finish at all would have been obvious to those of ordinary skill in the art as design expedients as all of these finishes are well-known in the art.

As shown in figure 5, it is obvious that the rim flange and the overlay could accept an industry standard balance weight.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (703) 308-1113.

rds

April 4, 2001


RUSSELL D. STORMER
PRIMARY EXAMINER 4/4/01